

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNOMEDICAL A/S, Plaintiff, v. SMITHS MEDICAL MD INC., Defendant.	Civil Action No.: 09-4375 Judge:
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**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Unomedical A/S (“Unomedical”) files this Complaint for patent infringement against Defendant, Smiths Medical MD Inc. (“Defendant”).

THE PARTIES

1. Unomedical is a Danish corporation with its principal place of business at Birkerød Kongevej 2, DK-3460 Birkerød, Denmark.
2. On information and belief, Defendant is incorporated in the State of Minnesota, with a principal place of business at 1265 Grey Fox Rd., St. Paul, Minnesota 55112.

JURISDICTION

3. This is an action for patent infringement under the patent laws of the United States for which this Court has jurisdiction under 35 U.S.C. § 271 and 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant regularly, systematically and intentionally distributes infringing products within this District. Defendant has placed and continues to place infringing products in the

stream of commerce with the expectation and knowledge that such products will be and are purchased by consumers in this District.

VENUE

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) because, on information and belief, Defendant has committed, and continues to commit, acts of infringement in this District. Furthermore, as alleged above, Defendant regularly and systematically conducts business in this District and are subject to personal jurisdiction in this District.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 7,407,493

6. Unomedical incorporates by reference the allegations in Paragraphs 1-5.

7. Unomedical is the owner of all right, title and interest in U.S. Patent No. 7,407,493 (the “’493 patent”), entitled “Container for Disposable Needle or Cannula,” which issued on August 5, 2008. A copy of the ’493 patent is attached as Exhibit A.

8. Defendant has infringed and continues to directly and/or indirectly infringe and/or induces the infringement of the ’493 patent under 35 U.S.C. § 271. Defendant makes, uses, sells and/or offers to sell within the United States or imports into the United States products covered by the ’493 patent. These products include, but are not limited to, the Cleo ® 90 Infusion Set. The instruction brochure for the Cleo ® 90 Infusion Set is attached as Exhibit B. A copy of the packaging from the Cleo ® 90 Infusion Set, and the English portions of the packaging insert, are attached as Exhibit C.

9. Defendant’s infringement as alleged in this Complaint constitutes willful infringement of the ’493 patent.

10. Pursuant to 35 U.S.C. § 283, Unomedical is entitled to an injunction against further infringement of the '493 patent. If Defendant's infringing activities are not enjoined, Unomedical will suffer irreparable harm that cannot be compensated by monetary damages.

11. Unomedical has suffered economic harm as a result of Defendant's infringing activities in an amount to be proven at trial.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Unomedical hereby demands trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Unomedical prays for judgment and seeks relief against Defendant as follows:

- (a) For a judgment decreeing that Defendant has infringed and/or continues to infringe the '493 patent;
- (b) For a preliminary and permanent injunction prohibiting Defendant from further infringement of the '493 patent;
- (c) For an accounting of all damages sustained by Unomedical as a result of Defendant's acts of infringement;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For attorneys fees pursuant to 35 U.S.C. § 285 or as otherwise permitted;
- (g) For all costs of suit; and
- (h) For all such other and further relief permitted by law and as the Court may deem just and proper.

Respectfully submitted,

Dated: July 21, 2009

/s/Anastasia Heffner
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